

**CITY COUNCIL OF THE CITY OF SAN DIEGO  
THE SPECIAL CLOSED SESSION MEETING REPORT  
FOR MONDAY, FEBRUARY 10, 2014  
CITY ADMINISTRATION BUILDING  
COMMITTEE ROOM – 12<sup>TH</sup> FLOOR  
202 ‘C’ STREET  
SAN DIEGO, CA 92101**

**REPORTING THE RESULTS OF THE SPECIAL CLOSED SESSION MEETING**

Only items that can be disclosed are reported out in the Open Session of the regular City Council meeting. Public comment on Closed Session items are taken in Open Session. Please refer to the City Clerk’s minutes for Open Session for more information. Chief Deputy City Attorney Mary Nuesca reports the results of the Special Closed Session meeting of Monday, February 10, 2014, as follows:

**SPECIAL CLOSED SESSION MEETING FOR MONDAY, FEBRUARY 10, 2014, AT 1:00 P.M.**

**ROLL CALL:**

Present: Council President Gloria, Council President Pro Tem Lightner, and Councilmembers Faulconer, Cole, Kersey, Zapf, Sherman, Alvarez, and Emerald.

Absent: None.

**SPECIAL CLOSED SESSION ITEMS:**

**Conference with Legal Counsel – existing litigation, pursuant to California Government Code section 54956.9(d)(1):**

**CS-1 *McCormack Jackson v. City of San Diego, et al.***

San Diego County Superior Court Case No. 37-2013-0058613-CU-OE-CTL

CDCA Assigned: J. Cordileone

Motion: Authorize the City Attorney to accept settlement offer

Moved: Councilmember Sherman, District 7

Seconded: Councilmember Emerald, District 9

Vote: Passed unanimously 9 to 0.

Report: This item was reported out by Chief Deputy City Attorney Mary Nuesca on Monday, February 10, 2014, at 5:32 p.m.

The City Council voted on Closed Session Item Number One, *McCormack Jackson v. City of San Diego, et al.*, San Diego County Superior Court Case No. 37-2013-0058613-CU-OE-CTL, to approve a global settlement of this litigation by paying plaintiff \$250,000 in damages.

**CS-2 *San Diegans for Open Government v. City of San Diego***  
San Diego County Superior Court Case No. 37-2013-00052721

DCA Assigned: C. Brock

Report: Nothing to report.

**CS-3 *City of San Diego v. Matosantos***  
Sacramento County Superior Court Case No. 34-2013-80001409

DCA Assigned: M. Wharton

Motion: Authorize the City Attorney to seek appellate review

Moved: Councilmember Faulconer, District 2

Seconded: Councilmember Emerald, District 9

Vote: Passed unanimously 9 to 0.

Report: This item was reported out by Chief Deputy City Attorney Mary Nuesca on Monday, February 10, 2014, at 5:32 p.m.

The City Council also voted on Closed Session Item Number Three, *City of San Diego v. Matosantos*, Sacramento County Superior Court Case No. 34-2013-80001409, to authorize the City Attorney to seek appellate review. This case involves a dispute between the City of San Diego and Successor Agency and the Department of Finance arising from the Department of Finance's refusal to authorize the Successor Agency to expend funds from the Real Property Tax Trust Fund to pay for the completion of shoreline improvements along the boat channel running through the site of the former Naval Training Center.

**Conference with Legal Counsel – significant exposure to litigation, pursuant to California Government Code section 54956.9(d)(2):**

**CS-4 Number of Cases: One**

CDCA Assigned: J. Cordileone

Report: Nothing to report.

REPORTED BY: /s/ Mary Nuesca  
Mary Nuesca  
Chief Deputy City Attorney